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January 29, 2009

Via Electronic Mail and Federal Express

Hon. Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007

Re: In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation  
MDL No. 1358 (SAS)  
Lyondell Entities Bankruptcy Issues

Dear Judge Scheindlin:

At our last status conference Your Honor set a briefing schedule to address the potential implications of the bankruptcy petitions filed by Lyondell Chemical Company and Equistar Chemicals LP. You also charged me with coordinating plaintiffs' response on these issues.

On January 21, we received copies of a letter from Jeffrey S. Moller, counsel for these two defendants, to Your Honor. Mr. Moller stated that his clients "are not inclined to contest the applicability of 11 U.S.C. 362(b)(4) and will not maintain that the Chapter 11 bankruptcy proceeding imposes a stay of the cases in this Litigation as to either of them." (Letter from J. Moller to the Court (Jan. 21, 2009) [copy attached hereto as Exhibit A].)

I have consulted with plaintiffs' counsel. In light of the position taken by these defendants, plaintiffs intend to take no further steps unless the Court directs otherwise.

Plaintiffs appreciate Your Honor's attention to this matter and ask that this letter be docketed by the Clerk's Office so that it is part of the Court's file.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Victor M. Sher", is written over a faint, larger blue signature that also appears to read "Victor M. Sher".

Victor M. Sher

Cc: Jeffrey Moller  
Liaison Counsel (via email)  
All counsel (via CM/ECF and LNFS)



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January 21, 2009

**VIA HAND DELIVERY**

The Honorable Shira A. Scheindlin  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1620  
New York, NY 10007

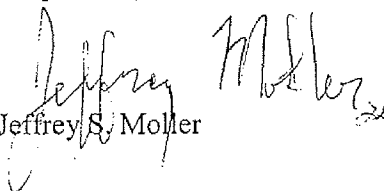
Re: In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation  
MDL No. 1358 (SAS)

Dear Judge Scheindlin:

We write on behalf of Lyondell Chemical Company and Equistar Chemicals LP, each defendants in the above-captioned matter ("the Litigation"), with regard to the automatic stay exception issue discussed during the conference of January 15, 2009. In light of the particular facts and circumstances of this Litigation, our clients are not inclined to contest the applicability of 11 U.S.C. 362(b)(4) and will not maintain that the Chapter 11 bankruptcy proceeding imposes a stay of the cases in this Litigation as to either of them. Their decision in this regard would seem to obviate the need for the parties to submit the briefing (as to either the jurisdictional or the substantive issue) discussed at last week's conference.

We remain available to respond to any questions which the Court may have.

Respectfully submitted,

  
Jeffrey S. Moller

JSM:mbh

cc: All Counsel of Record via Lexis-Nexis File and Serve  
Liaison Counsel via Email

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